IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 33252 of 2004(H)

PETITIONERS:
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1. C.J.THOMAS, S/O.THE LATE JOSEPH,
   AGED 47 YEARS, CHAMAKALAYIL HOUSE, ONAMTHURUTHU
   P.O. KAIPUZHA, KOTTAYAM.

2. JOY.P.K. S/O.KURIYAM, AGED 53 YEARS,
   PALACHERIL HOUSE, KOODALLOOR P.O. KOTTAYAM.

3. C.L.SIMON, S/O.THE LATE LUCKA, AGED 54
   YEARS, VADAKECHETTALIL HOUSE, KOODALLOOR P.O.
   VAYALAVAZHI, KOTTAYAM.

4. K.S.RAGHUNATHAN, S/O.LATE SANKARA KAIMAL,
   AGED 49 YEARS, ELANKARIL HOUSE,
   CHEMPILAVU P.O. KOTTAYAM.

5. A.P.BIJUMON, S/O.PRABHAKARAN, AGED
   50 YEARS, ATHIMATTATHUKALAYIL HOUSE,
   PUNNATHURA WEST [P.O. ETTUMANOOR,
   KOTTAYAM.

6. M.C.JOY, S/O.CHACKO, AGED 49 YEARS,
   MANNUKULATHIL HOUSE, ATHIRAMPUZHA P.O. KOTTAYAM.

7. M.T.PAILO, S/O.THE LATE THOMAS,
   AGED 48 YEARS, MUTTATHUMALIL HOUSE, VILLUNNI P.O.
   ARPPUKARA, KOTTAYAM.

8. PHILIP JOSEPH, S/O.JOSEPH, AGED 53 YEARS
   KALATHARA HOUSE, PARIPPU P.O. KOTTAYAM.

9. MATHEW THOMAS, S/O.P.M.THOMAS,
   AGED 47 YEARS, PLACHERRYPURATH HOUSE,
   KUNNATHARA EAST P.O. KOTTAYAM.

10. M.E.JOSE, S/O.ESTHAPPAN, AGED 47 YEARS,
    MUTTATHUMALAYIL HOUSE, PADINJATTINKARA P.O.
    KADAPLAMATTOM, KOTTAYAM.

11. T.K.SASI, S/O.THE LATE KUTTAPPAN,
AGED 49 YEARS, THEVASSERIYIL HOUSE,
ETTUMANOOR P.O. KOTTAYAM.

12. K.GOPALAKRISHNAN, S/O.THE LATE
KOCHUKUTTAN, AGED 50 YEARS, NOW R/A.KOLUMMADATHIL
HOUSE, AYAMKUDY P.O. KOTTAYAM.

13. C.V.BALACHANDRAN, S/O.THE LATE
VELAYUDHAN, AGED 46 YEARS, THOTTUKATTU HOUSE,
THIRUNELLOOR P.O. CHERTHALA.

14. K.U.JOSE, S/O.OUSEPH UTHUPPAN,
AGED 46 YEARS, KATTUPARAMBIL HOUSE,
NEENDOOR P.O. KOTTAYAM.

BY ADV. SRI.C.S.MANU

RESPONDENTS:
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1. STATE OF KERALA, REP. BY ITS SECRETARY,
DEPARTMENT OF EXCISE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. THE ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM.

4. THE CIRCLE INSPECTOR OF EXCISE,
EXCISE CIRCLE OFFICE, PALA.

5. THE CIRCLE INSPECTOR OF EXCISE,
EXCISE CIRCLE OFFICE, KOTTAYAM.

6. THE CIRCLE INSPECTOR OF EXCISE,
EXCISE CIRCLE OFFICE, VAIKOM.

7. SOORAJ THOMAS, T.S. 7/04-05,
KURUMULLOOR, KURUVILANGADU EXCISE RANGE.

8. V.M.ABRAHAM, T./S. NO.9/04-05,
KOODALLOOR, KURAVILANGADU EXCISE RANGE,
KURUVILANGADU.

9. BABY MATHEW, T.S.NO.31/04-05, LALAM,
PALA EXCISE RANGE, PALA.

10. A.P.SOMARAJAN, T.S.NO.13/04-05,
CHEMPILAVU, KURAVILANGADU EXCISE RANGE.

11. JOSEPH, T.S.NO.11/-4-05, KARITHAS,
ETTUMANOOR.

12. GEORGE VARGHESE, T.S.NO.5/04-05,
ATTAPEEDIKA, ETTUMANOOR.

13. G.JAYAKUMAR, T.S.NO.36/04-05,
PINANGIRAKUZHI, ETTUMANOOR.

14. C.S.JOSEPH, T.S.NO.34/04-05,
AIYMANAM, KOTTAYAM.

15. M.R.RAJU, T.S.NO.16/04-05,
PUNNATHARA, ETTUMANOOR.

16. BIJUMON THOMAS, T.S.NO.12/04-05,
ETTUMANOOR, KIZHAKKUMBHAGOM, ETTUMANOOR.

17. P.C.BOSE, T.S.NO.9/04-05,
VALLIKADU, ETTUMANOOR.

18. ROY.K.THOMAS, T.S.NO.8/04-05,
ETTUMANOOR, VADAKKUMBHAGOM, ETTUMANOOR.

19. MINI RAJAMMA SADANANDAN, T.S.NO.34/04-05
VAIKOM EXCISE RANGE, VECHOOR, VAIKOM.

20. C.S.SUDHAN, T.S.NO.11/04-05,
MULAKKULAM, KADUTHURUTHY RANGE.

21. THE CHIEF WELFARE FUND INSPECTOR,
TOODY SHOP WORKERS WELFARE FUND BOARD,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. NOBLE MATHEW
ADV. SRI.K.HARILAL, SC, KTWWF BOARD
SRI.T.A.SHAJI
SMT.T.V.NEEMA
SRI.K.REGHU KOTTAPPURAM
SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SRI.JOBI.A.THAMPI
SRI.T.K.MOHAMMED SHARAFUDHEERN
SRI.RAFFEEKH.K
SRI.BOBY MATHEW
SMT.K.MEERA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE GOVERNMENT ORDER BEARING NO.G.O.(P)NO.128/04/TD DATED 9-8-2004 ISSUED BY THE IST RESPONDENT TO THE PETITIONER.

EXT.P2: COPY OF THE APPOINTMENT ORDER DATED 27-9-2004 OF THE IST PETITIONER ISSUED BY THE 4TH RESPONDENT.

EXT.P3: COPY OF THE APPOINTMENT ORDER DATED 27-9-2004 OF THE 2ND PETITIONER ISSUED BY THE 4TH RESPONDENT.

EXT.P4: COPY OF THE APPOINTMENT ORDER DATED 27-9-2004 OF THE 3RD PETITIONER ISSUED BY THE 4TH RESPONDENT.

EXT.P5: COPY OF THE APPOINTMENT ORDER DATED 27-9-2004 OF THE 4TH PETITIONER ISSUED BY THE 4TH RESPONDENT.

EXT.P6: COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 5TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P7: COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 6TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P8: COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 7TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P9: COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 8TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P10:COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 9TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P11:COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 10TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P12:COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 11TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P13:COPY OF THE APPOINTMENT ORDER DATED 29-9-2004 OF THE 12TH PETITIONER ISSUED BY THE 5TH RESPONDENT.

EXT.P14:COPY OF THE APPOINTMENT ORDER DATED 4-10-2004 OF THE 13TH PETITIONER ISSUED BY THE 6TH RESPONDENT.

EXT.P15:COPY OF THE APPOINTMENT ORDER DATED 4-10-2004 OF THE 14TH PETITIONER ISSUED BY THE 6TH RESPONDENT.

EXT.P16:COPY OF THE REPRESENTATION DATED 6-11-2004 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.

TRUE COPY

P.A.TO JUDGE.

K.S.RADHAKRISHNAN & M.N.KRISHNAN,JJ

W.P.(C).No.33252 OF 2004

DATED THIS THE 5TH DECEMBER, 2006

JUDGMENT

K.S.RADHAKRISHNAN,J

This Writ Petition is dismissed in the light of the decision of the Supreme Court in **Kerala Samsthana Chethu Thozhilali Union Vs. State of Kerala [2006 (2) KLT 270 (SC)].**

K.S.RADHAKRISHNAN,JUDGE.

M.N.KRISHNAN,JUDGE.

dvs